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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA
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9 FRANK D'AGOSTINO,

Case No. 3:17-cv-00101-MMD-WGC

10 Plaintiff,

ORDER

11 v.

12 DR. KAREN GEDNEY, *et al.*,

13 Defendants.

14 Before the Court is Plaintiff's motion for voluntary dismissal. (ECF No. 22.)
15 Plaintiff asserts that he seeks dismissal because of his realization that he had not
16 exhausted his administrative remedies before filing this action. (*Id.*) Defendant does
17 not oppose. (ECF No. 23.) Good cause appearing, Plaintiff's motion (ECF No. 22) is
18 granted.

19 It is therefore ordered that this action is dismissed without prejudice.

20 It is further ordered that the part of the June 4, 2018 Order (ECF No. 13 at 2, ¶ 3)
21 directing the Nevada Department of Corrections to assess payment of the filing fee from
22 Plaintiff's account is vacated.

23 The Clerk is directed to close this case.

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25 DATED THIS 19th day of July 2018.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE